

From: Sweeney, Stephen
To: Waye, Don
Sent: 2/19/2015 1:59:29 PM
Subject: RE: OR's Voluntary Approach to Ag WQ

Ex. 5 - Attorney Client

From: Waye, Don
Sent: Thursday, February 19, 2015 1:53 PM
To: Sweeney, Stephen
Subject: FW: OR's Voluntary Approach to Ag WQ

Steve,

I think our back-and-forth is helpful, not just to us, but to limited others in the federal family, as well. Do you mind if I share with our Ag tech team? I'd ask them to not share our discussion broadly.

Don

From: Waye, Don
Sent: Thursday, February 19, 2015 1:48 PM
To: Sweeney, Stephen
Subject: RE: OR's Voluntary Approach to Ag WQ

Ex. 5 - Attorney Client

From: Sweeney, Stephen
Sent: Thursday, February 19, 2015 1:21 PM
To: Waye, Don
Subject: RE: OR's Voluntary Approach to Ag WQ

Ex. 5 - Attorney Client

Ex. 5 - Attorney Client

From: Waye, Don
Sent: Thursday, February 19, 2015 1:13 PM
To: Sweeney, Stephen
Subject: OR's Voluntary Approach to Ag WQ

Ex. 5 - Attorney Client

So with this line in mind, let's let the back-and-forth process with the state play out.

Does this help?

From: Sweeney, Stephen
Sent: Thursday, February 19, 2015 12:33 PM
To: Waye, Don
Subject: RE: Reminder: Feb 19 Oregon CZARA Agriculture Technical Workgroup Meeting (1 pm OR/WA or 4 pm)

Non-Responsive

It is below Jayne's agenda (need to scroll way down)

See language below from the decision document.

Although the federal agencies initially found that those programs enabled the State to satisfy the agriculture condition, prior to announcing the proposed decision, some specific concerns with the State's agriculture program were brought to the federal agencies' attention, such as:

- Enforcement is limited and largely complaint-driven; it is unclear what enforcement actions have been taken in the coastal nonpoint management area and what improvements resulted from those actions.*
- The AWQMA plan rules are general and do not include specific requirements for implementing the plan recommendations (e.g., specific buffer requirements to adequately protect water quality and fish habitat).*
- AWQMA planning has focused primarily on impaired areas when the focus should be on both protection and restoration.*
- The State does not administer a formalized process to track implementation and effectiveness of AWQMA*

plans.

· *AWQMA planning and enforcement does not address “legacy” issues created by agriculture activities that are no longer occurring.*

From: Wayne, Don
Sent: Thursday, February 19, 2015 12:29 PM
To: Sweeney, Stephen
Subject: RE: Reminder: Feb 19 Oregon CZARA Agriculture Technical Workgroup Meeting (1 pm OR/WA or 4 pm)

Non-Responsive

Steve,

Ex. 5 - Attorney Client

Don

From: Sweeney, Stephen
Sent: Thursday, February 19, 2015 11:33 AM
To: Wayne, Don
Subject: FW: Reminder: Feb 19 Oregon CZARA Agriculture Technical Workgroup Meeting (1 pm OR/WA or 4 pm)

Non-Responsive

Don,

Ex. 5 - Attorney Client

Steve

From: Allison Castellan - NOAA Federal [<mailto:allison.castellan@noaa.gov>]
Sent: Thursday, February 19, 2015 11:26 AM
To: Carlin, Jayne
Cc: Henning, Alan; Wu, Jennifer; Jacobson, Martin; Flahive, Katie; rob.walton@noaa.gov; Byrne, Jennifer; jeffrey.lockwood@noaa.gov; Peak, Nicholas; Wayne, Don; Croxton, Dave; Sweeney, Stephen; jeff.dillen@noaa.gov
Subject: Re: Reminder: Feb 19 Oregon CZARA Agriculture Technical Workgroup Meeting (1 pm OR/WA or 4 pm)

Non-Responsive

Jayne--

As always, thanks for coordinating us and drafting the ag review strategy. I'm not sure if I'll be able to make the call this afternoon but attached are some comments I have on what you've proposed.

Ex. 5 - Deliberative

Allison

On Wed, Feb 18, 2015 at 9:42 PM, Carlin, Jayne <Carlin.Jayne@epa.gov> wrote:

Oregon CZARA Agriculture Technical Workgroup Meeting

Feb 19 at 1 pm OR/WA or 4 pm MD/VA

Non-Responsive

Agenda

- Introductions and Overview of last meeting & key documents (see attached) (Jayne)
- Strategy Review (see attached) (All)
- Background Part 2 (technical) (Alan)
- Begin to identify key technical, policy and legal issues (All)
- Next Steps

See language below from the decision document.

Although the federal agencies initially found that those programs enabled the State to satisfy the agriculture condition, prior to announcing the proposed decision, some specific concerns with the State's agriculture program were brought to the federal agencies' attention, such as:

- *Enforcement is limited and largely complaint-driven; it is unclear what enforcement actions have been taken in the coastal nonpoint management area and what improvements resulted from those actions.*
- *The AWQMA plan rules are general and do not include specific requirements for implementing the plan recommendations (e.g., specific buffer requirements to adequately protect water quality and fish habitat).*
- *AWQMA planning has focused primarily on impaired areas when the focus should be on both protection and restoration.*
- *The State does not administer a formalized process to track implementation and effectiveness of AWQMA plans.*
- *AWQMA planning and enforcement does not address "legacy" issues created by agriculture activities that are no longer occurring.*

Given these concerns, NOAA and EPA chose to solicit additional public comment on whether the State had satisfied

the 6217(g) agriculture management measure requirements and the conditions related to agriculture placed on its program. The federal agencies appreciate the comments provided and are considering them closely. NOAA and EPA will work with the State, as necessary, to ensure it has programs and policies in place to satisfy all CZARA 6217(g) requirements for agriculture before proposing and making a final decision that the State has a fully approved coastal nonpoint program.

Jayne Carlin, Watersheds Unit
US EPA, Region 10
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Seattle, WA 98101-3140
(206) 553-8512
carlin.jayne@epa.gov

www.epa.gov/r10earth/tmdl.htm
yosemite.epa.gov/R10/ecocomm.nsf/Watershed+Collaboration/State+Tribal+NPS

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